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NOTES FROM COUNCIL AND GENERAL COURT RECORDS.

By the late CONWAY ROBINSON, Esq.

(CONTINUED.)

At a court holden at James city the 5th of March 1640 the following order was made.

In the proceedings of the 27th of June, 1640, [In relation to the Panton case] it is said Mr. Warren affirmed in court that in the parish of York in the year 1638 there were two hundred ninety four tythable persons so that there was due to Mr. Panton ten pounds of tobacco and a bushel of corn for every tythable person pr poll which is in all 2180 pounds of tobacco and 290 bushels of corn.

[The following refers to an order against the estate of Sir John Harvey, ex-governor.]

From this judgment it may be inferred that Sir John Harvey had previously become embarrassed in his affairs. Such was the fact. At a ——— held the 17th of April, 1640, the following provision was made for Sir John and his creditors:

“That the reversion of Sir John Harvey his dwelling house at James city with the house adjoining and all the edifices thereunto belonging within the pale and of his orchard is to be sold, he enjoying the premises during life as also a parcel of land near, adjacent, lately belonging to Sir George Yeardly, Knt. All his other lands and edifices to be forthwith entirely sold for the payment of his debts. All his personal estate to be sold at the best advantage for the payment of debts as aforesaid reserving for the subsistence of the said Sir John eight cows which he is to enjoy during life, with all the increase to him and his assigns forever, he making good the principal stock as also that he shall have and enjoy for the consideration aforesaid all the increase which have or shall fall this year for the whole stock, according to the inventory as also four breeding sows forever is also the furniture of the dwelling house during his abode in the country, and in case of his departure for England that he shall have

and enjoy such furniture for his accomodation as shall be thought fit by the court Provided always that such goods and estate of Mr. Anthony Panton as Sir John Harvey hath taken into his hands and what he hath distributed to his use and other officers be delivered over unto such person as the governor and council shall appoint and there to remain untill we shall receive further order from their lordships therein."

A subsequent order of the 6th of May 1640, shews that Sir John Harvey engaged himself to the board to authorize a person who was named to make sale of his estate at York or any other part of the county of Charles river upon a particuiar day and to authorize another person (Mr. George Ludlow) to make sale of his estate in James city or elsewhere in Virginia upon another day named, and those persons were ordered to give an account of what they should do, And an order of the 14th of April, 1641, directed the creditors to be present upon the fifth day of the next June court that there might be a distribution of the estate among the creditors according to there several proportions.

This last order was made soon after the principal sale by Ludlow. Acting both under the order of the 6th of May, 1640, and a power of attorney from Sir John Harvey of the 22d of July, 1640, he made a conveyance on the 7th of April, 1641, unto the governor, council and burgesses for the consideration of 15,700 pounds of tobacco to be paid the first of January following of "all that capital messuage or tenement now used for a court house late in the tenure of said Sir John Harvey, Knt. situate and being within James city island in Virginia," with the old house and granary, garden and orchard, "as also one piece or plot of ground lying and being on the west side of the said capital and messuage as the same is now enclosed." At a quarter court holden at James city the 14th of April 1641 the following order was entered:

"Whereas it appeareth to the court that Sir John Harvey, Kn't, late governor did give and grant unto Robert Barrington 250 acres of land within the corporation of James city which said land as appeareth by the depositions of Peter Stafferton, Cheny Boyse and Capt'n Robert Hutchinson was laid out for the use of the governors successively and that the same hath been seated from time to time by the governor's tenants who

have always paid rent for the same to the governor or governors or planted to their use ; the court hath therefore ordered that the said patent shall be void and that the orphans of the said Barrington shall have 500 acres of land allotted them in some other convenient place for satisfaction of their buildings and clearing; the same being a precedent usually made and allowed in cases of the like nature: and that the tenants seated thereon shall yield up the possession at or before the last of November next ensuing." (Id. 502.)

On the 16th of November, 1626, a deed was made from two mariners in the behalf of Daniel Gookinge of Carygoline in the county of York within the kingdom of Ireland to Richard Griffin late servant to the said Daniel Gooking resident at Elizabeth city, yeoman conveying 100 acres, being part of the land belonging to the lordship of the said Daniel Gooking situate above Newport Newes at the place called Mary's mount, yielding forever unto Gooking the rent of two shillings current english money at the feast of all saints; the deed concluding with a covenant on the part of Griffin his heirs and assigns at all times to "do suit and service to all such manor court or courts as at any time hereafter shall be kept by the said Daniel Gooking his associates or assigns within the lordship aforesaid" (Deed book in Gen'l C. Office, No 1-79.)

On the first of February, 1630, a deed was made from "Daniel Gooking of Newport Newes in Virginia, Gent. to Thomas Addison 'late servant to the said Daniel his father'" conveying on behalf of his the said Daniel's father 50 acres of land being part of the said lordship, yielding forever to Gooking his heirs and assigns the yearly rent of one pound of tobacco at the feast day of all saints with the like covenant. Id. 80. (Gen'l c't will book No. 1, p. 79, 80, 87, 92, 93, 95, 98, 99, 101, 103.)

There are grants of letters of administration by Sir George Yardley as governor and Captain general of Virginia bearing date the 9th of September, 1st, 5th, 7th and 8th of November and 20th of December in the year 1626, and on the 24th and 26th of January following but no grants of such letters by him of earlier dates.

The first patent by Sir George Yearly as governor bears date

the third day of February, in the second year of Charles the first. It recites that by the ordinances and constitutions made and set forth by the late company, it was ordained and appointed that such lands and tenements as should be due to any adventurers or planters of what condition or quality soever should be laid out and assigned unto them by the governor and council here, and further notes that the same power and authority is confirmed and granted by his majesty's letters patent directed to the governor and council bearing date the 14th of March, 1625. (Patents in registers office 1623 to 1643, No. 1 p 49, 50.)

On the 23d of the same month of February, he gave a commission to Thomas Flint appointing him lieutenant commander of and for the inhabitants and plantations upon both sides of Southampton river at Elizabeth city towards the head of the same and about Charles fort under captain William Tucker esquire commander in chief. (Library of congress, ch. 23, No. 217.)

Letter of 5th of April, 1627, from Sr. Geo. Yardly & council to privy council, (abt. tobacco).

Proclamation to be careful against the indians. April, 1627.

Commission to Wm. Claybourn to trade with the indians. 27 April, 1627.

Commissions to various persons to go against the indians. 18th July, 1627, 21st July, 1627.

Proclamation concerning the extent of paling in the forest. Aug't 1, 1627.

Appointm't of Harwood commander in James city. Aug't 8, 1627.

Appointm't of commander in Warwick.

“ “ “ at Mailbacks [?]

“ “ “ in Elizabeth city.

Commission to captain and commander of Accomack.

Order not to remove from one plantation. to another.

Concerning the keeping of hogs in island of James city.

Course pursued upon arrival of ships.

Capt'n Sam'l Matthews his commission for trading for corn.

(CONCLUDED.)